

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NICOMEDES TUBAR, III,

Plaintiff,

v.

JASON CLIFT; and THE CITY OF KENT,  
WASHINGTON, a municipal corporation,

Defendants.

CASE NO. C05-1154C

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

Pursuant to the partial STAY entered in this matter (Dkt. No. 167) pending Defendant Clift's interlocutory appeal, the parties are ORDERED to file a NOTICE on this Court's Docket upon the Ninth Circuit's issuance of a mandate or an order dismissing Defendant Clift's appeal. Upon either a denial of interlocutory review or a decision on the merits of Defendant Clift's appeal, the stayed portion of proceedings in this Court will resume. The parties' NOTICE upon resolution of the appeal should include proposed agreed dates certain for the extensions of discovery, expert disclosures, and expert depositions referenced in their stipulation (Dkt. No. 166) and this Court's September 27, 2006 Order

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1 (Dkt. No. 161), as well as a noting date for consideration of Defendants' stricken summary judgment  
2 motion (Dkt. No. 133). No such deadlines or a trial schedule will be set until further order of this Court.

3 DATED this 6<sup>th</sup> day of October, 2006.

4 BRUCE RIFKIN, Clerk of Court

5  
6 By /s/ C. Ledesma  
Deputy Clerk